

### ***Remarks***

Upon entry of the foregoing amendment, claims 1-104 are canceled and claims 105-129 are pending in the application, with claims 105, 114, 118, 122 and 126 being the independent claims. Applicants reserve the right to pursue the subject matter of claims 1-104 in continuing applications.

Support for the new claims can be found, *inter alia*, in the specification at page 12, lines 13-30; page 14, lines 5-9 and at page 14, line 30 through page 15, line 3. Therefore the new claims do not introduce new matter.

#### ***I. Claim Objections.***

Claims 91 and 104 have been objected to by the Examiner under 37 C.F.R. § 1.75(c) as being of improper dependent form and for failing to further limit the claim matter. (Office Action, page 2.) Claims 91 and 104 are canceled herein rendering the objection moot.

#### ***II. Claim Rejection Under 35 U.S.C. § 112, Second Paragraph.***

Claims 79 and 92 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. (Office Action, page 3.) Applicants respectfully disagree but have replaced the claims solely to expedite prosecution.

The Examiner alleges that the term “conditions sufficient to add” in claims 79 and 92 is unclear. Applicants have replaced claims 79 and 92 with new claims 105, 114, 118, 122 and 126 which are directed to “ligating” nucleic acid molecules and do not recite “conditions sufficient to add.”

In view of these amendments, Applicants believe that new claims 105-126 are in compliance with 35 U.S.C. § 112, second paragraph and respectfully request that the Examiner reconsider and withdraw the rejection.

#### ***III. Claim Rejection Under 35 U.S.C. § 103(a).***

Claims 79-85, 87, 88, 90-98, 100, 101, 103 and 104 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyd (*Nucleic Acids Research* 21:817-821 (1993)) in view of Fox *et al.* (U.S. Patent No. 6,140,086). (Office Action, page 5.) While not wishing to imply

that Applicants agree with the rejection, Applicants have replaced the claims to expedite prosecution.

Applicants have taken limitations of dependent claims 86, 89, 99 and 102 (which are omitted from the Examiner's rejection under 35 U.S.C. § 103(a)) and incorporated them into new independent claims 105, 114, 118, 122 and 126. In view of these new independent claims, Applicants believe that claims 105-126 are patentable over Boyd and Fox *et al.* and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

### ***Conclusion***

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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